

ERRATA SHEET

State of Oklahoma v. Tyson Foods, Inc.

Case No. No. 05-cv-329-GKF-TLW

DEPOSITION OF David Richard Payne

REPORTED BY: Tulsa Freelance Reporters

DATE DEPOSITION TAKEN: 4/27/09

PAGE/

LINESHOULD BEREASON

22/5	After "could" add "I could do it with the data in the files."	Clarification
23/4	After "but" add "I can identify the significant lines of industry."	Clarification
24/24	Change "sixth" to "fifth"	Correction
31/22	Change "Klein" to "Cline"	Correction
31/22	Change "Christie" to "Kristi"	Correction
115/10	After "four" add "which comprise in excess of 80 individual SICs"	Clarification
120/4	After "four" add "composite groups which comprise of over 80 SICs"	Clarification
153/22	After "number" add "on exhibit 11(a)"	Clarification
153/23	After "adjustment" add "for discontinued operating gains"	Clarification
162/17	After "earnings" add "with and without discontinued gains/losses"	Clarification
164/19	After "it" add "rather it is supported by 4.528 billion in reported earnings,"	Clarification
164/20	After "dollars" add "without the discontinued gain,"	Clarification
168/20	After "know" add "but I think it has to do with gains/losses reported by Cargill."	Clarification
171/4	After "earnings" add "including certain gains/losses"	Clarification
195/12	After "yes" add "but it does capture the major lines of business for over 80 individual SICs."	Clarification
204/9	After "SICs" add "comprise over 80 SICs which are a representative of Cargill's business line."	Clarification
210/17	After "are" add "in the workfiles and public domain."	Clarification

26	211/16	After "ROA" add "that Cargill may be involved with since they haven't	Clarification
27		disclosed such data."	
28	216/3	After "testimony" add "the concepts and relationships are important	Clarification
29		elements."	
30	221/4	After "yes," add "but the number requires analysis to assess financial	Correction
31		condition and ability to pay."	
32	228/14	After "formula" add "but a set of formulas and attributes."	Clarification
33	241/10	After "pay" add "or the EPA policy regarding Superfund/CERLA liability	Clarification
34		that discusses ATP or state fraudulent transfer/insolvency statutes."	
35	255/6	After "judgment" add "utilizing my training and actual experience."	Clarification
36	261/14	After "appropriate" add "in order to be consistent with the formulas/metric	Clarification
37		and opinions for other defendants."	
38	347/11	After "counsel" add "its in the notebooks marked as exhibits to my	Clarification
39		deposition."	
40	384/6	After "experience" add "in originating loans, leasebacks and other forms	Clarification
41		to hypothecate value."	
42	386/18	Change "30" to "35"	Correction
43	386/21	After "use" add "considering and relying on the extent of net worth."	Clarification
44	387/17	After "Peterson" add "but I use net worth primarily."	Clarification
45	390/12	After "correct" add "and it represents approximately 30% to 35% of net	Clarification
46		worth."	
47	390/19	After "reported" add "considering lending and underwriting criteria	Clarification
48		utilized to assess value."	
49	410/5	After "were" add "at or near" before "zero"	Clarification
50	410/5	After "zero" add "due to calculation issues"	Clarification
51	410/5	After "damages" add "due to liability findings."	Clarification
52	470/14	After "Simmons" add "I am also correlating the metric or formula with a	Clarification
53		percentage of net worth."	
54	475/4	After "Simmons" add "the parent company."	Clarification

55	481/18	After ðnoö add ðother update than what you have previously been	Clarification
56		providedö	
57	481/18	After ðnoö add ðother update than what you have previously been	Clarification
58	521/6	After ðitøö add ðnotö	Correction
59	529/18	Change ðdoesnøö to ðdoesö	Correction
60	529/20	After ðthingsö add ðsince Tyson has not segregated fully its dataö	Clarification
61	547/21	After ðmaterialsö add ðand you have them in CERCLA/Superfund ATP	Clarification
62		guidanceö.	
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JURAT

I, DAVID R. PAYNE, do hereby state under oath that I have read the above and foregoing deposition in its entirety and that the same is a full, true and correct transcription of my testimony so given at said time and place, except for the corrections noted herein:

David R Payne

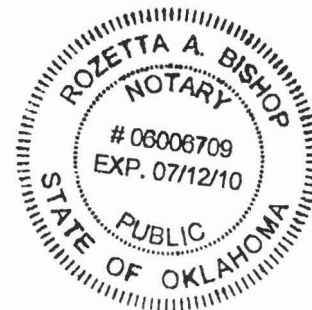
DAVID R. PAYNE

Subscribed and sworn to before me, the undersigned Notary Public in and for the State of Oklahoma, on this, the 17th Day of June, 2009.

Rozetta A. Bishop
NOTARY PUBLIC

My Commission Expires: 7/12/10

My Commission Number: 06066709



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